

1                   **AMERICAN INDIAN AND ALASKAN NATIVE AMENDMENTS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kevin T. Van Tassell**

5                                   House Sponsor: Jack R. Draxler

6 

---

---

  
7 **LONG TITLE**

8 **Committee Note:**

9                   The Native American Legislative Liaison Committee recommended this bill.

10 **General Description:**

11                   This bill amends provisions related to the state system of public education and  
12 American Indians and Alaskan Natives.

13 **Highlighted Provisions:**

14                   This bill:

- 15                   ▶ amends duties of the Native American Legislative Liaison Committee;
- 16                   ▶ defines terms;
- 17                   ▶ creates a pilot program to fund stipend, recruitment, and retention of teachers who  
18 teach in American Indian and Alaskan Native concentrated schools;
- 19                   ▶ creates a pilot program for regional service centers to fund individuals facilitating  
20 Title VII, Elementary and Secondary Education Act;
- 21                   ▶ requires reporting and meetings to be held; and
- 22                   ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24                   This bill appropriates for fiscal year 2016:

- 25                   ▶ to the State Board of Education - State Office of Education, as a one-time  
26 appropriation:
- 27                   • from the Education Fund, one-time, \$20,000.



28 This bill appropriates for fiscal year 2017 through fiscal year 2021:

29 ▶ to the State Board of Education - State Office of Education, as an ongoing  
30 appropriation:

31 • from the Education Fund, \$2,000,000.

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **36-22-2**, as enacted by Laws of Utah 1995, Chapter 143

37 ENACTS:

38 **53A-31-401**, Utah Code Annotated 1953

39 **53A-31-402**, Utah Code Annotated 1953

40 **53A-31-403**, Utah Code Annotated 1953

41 **53A-31-404**, Utah Code Annotated 1953

42 **53A-31-405**, Utah Code Annotated 1953

43 **53B-31-406**, Utah Code Annotated 1953



45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **36-22-2** is amended to read:

47 **36-22-2. Duties.**

48 (1) The committee shall:

49 (a) serve as a liaison between Utah Native American tribes and the Legislature;

50 (b) recommend legislation for each annual general session of the Legislature if the  
51 committee determines that modifications to current law are in the best interest of the state of  
52 Utah and of the Utah Native American tribes;

53 (c) review the operations of the Division of Indian Affairs and other state agencies  
54 working with Utah Native American tribes;

55 (d) help sponsor meetings and other opportunities for discussion with and between  
56 Native Americans[-]; and

57 (e) hold a meeting at which public education is discussed as required by Section  
58 **53A-31-406.**

59 (2) In conducting its business, the committee shall comply with the rules of legislative  
60 interim committees.

61 Section 2. Section **53A-31-401** is enacted to read:

62 **Part 4. American Indian and Alaskan Native Education State Plan Pilot Program**

63 **53A-31-401. Title.**

64 This part is known as the "American Indian and Alaskan Native Education State Plan  
65 Pilot Program."

66 Section 3. Section **53A-31-402** is enacted to read:

67 **53A-31-402. Definitions.**

68 As used in this part:

69 (1) "American Indian and Alaskan Native concentrated school" means a school where  
70 at least 29% of its students are American Indian or Alaskan Native.

71 (2) "Board" means the State Board of Education.

72 (3) "Regional service center" means a regional service center created under Section  
73 53A-3-429.

74 (4) "Teacher" means an individual employed by a school district or charter school who  
75 is required to hold an educator license issued by the board and who has an assignment to teach  
76 in a classroom.

77 Section 4. Section **53A-31-403** is enacted to read:

78 **53A-31-403. Pilot program created.**

79 (1) Beginning with fiscal year 2016-2017, there is created a five-year pilot program  
80 administered by the board to provide grants targeted to address the needs of American Indian  
81 and Alaskan Native students.

82 (2) The pilot program shall consist of:

83 (a) a grant program to school districts and charter schools to be used to fund stipends,  
84 recruitment, retention, and professional development of teachers who teach in American Indian  
85 and Alaskan Native concentrated schools; and

86 (b) a grant program to regional service centers to fund individuals who facilitate  
87 American Indian and Alaskan Native programs under Title VII, Elementary and Secondary  
88 Education Act.

89 (3) Up to 3% of the money appropriated to a grant program under this part may be used

90 by the board for costs in implementing the pilot program.

91 Section 5. Section **53A-31-404** is enacted to read:

92 **53A-31-404. Grant program to school districts and charter schools.**

93 (1) From money appropriated to the grant program, the board shall distribute grant  
94 money on a competitive basis to a school district or charter school that applies for a grant and:

95 (a) (i) has within the school district one or more American Indian and Alaskan Native  
96 concentrated schools; or

97 (ii) is an American Indian and Alaskan Native concentrated school; and

98 (b) has a program to fund stipends, recruitment, retention, and professional  
99 development of teachers who teach at American Indian and Alaskan Native concentrated  
100 schools.

101 (2) The grant money distributed under this section may only be expended to fund a  
102 program described in Subsection (1)(b).

103 (3) (a) If a school district or charter school obtains a grant under this section, by no  
104 later than two years from the date the school district or charter school obtains the grant, the  
105 board shall review the implementation of the program described in Subsection (1)(b) to  
106 determine whether:

107 (i) the program is effective in addressing the need to retain teachers at American Indian  
108 and Alaskan Native concentrated schools; and

109 (ii) the money is being spent for a purpose not covered by the program described in  
110 Subsection (1)(b).

111 (b) If the board determines that the program is not effective or that the money is being  
112 spent for a purpose not covered by the program described in Subsection (1)(b), the board may  
113 terminate the grant money being distributed to the school district or charter school.

114 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
115 board may make rules providing:

116 (a) criteria for evaluating grant applications; and

117 (b) procedures for:

118 (i) a school district to apply to the board to receive grant money under this section; and

119 (ii) the review of the use of grant money described in Subsection (3).

120 (5) The grant money is intended to supplement and not replace existing money

121 supporting American Indian and Alaskan Native concentrated schools.

122 Section 6. Section **53A-31-405** is enacted to read:

123 **53A-31-405. Grant program to regional service centers.**

124 (1) From money appropriated to the grant program, the board shall distribute grant  
125 money on a competitive basis to regional service centers that apply for a grant to fund, in  
126 addition to any available federal money, an individual who facilitates American Indian and  
127 Alaskan Native programs under Title VII, Elementary and Secondary Education Act.

128 (2) The grant money distributed under this section may only be expended for the  
129 purpose described in Subsection (1).

130 (3) (a) If a regional service center obtains a grant under this section, by no later than  
131 two years from the date on which the regional service center obtains the grant, the board shall  
132 review the implementation of the grant money to determine whether:

133 (i) the objectives of Title VII, Elementary and Secondary Education Act, as outlined by  
134 the regional service center are being met; and

135 (ii) the money is being spent for a purpose not provided for in Subsection (1).

136 (b) If the board determines that the objectives of Title VII, Elementary and Secondary  
137 Education Act, are not being met or that the money is being spent for a purpose not covered by  
138 Subsection (1), the board may terminate the grant money being distributed to the regional  
139 service center.

140 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
141 board may make rules providing:

142 (a) criteria for evaluating grant applications; and

143 (b) procedures for:

144 (i) a regional service center to apply to the board to receive grant money under this  
145 section; and

146 (ii) the review of the use of grant money described in Subsection (3).

147 (5) This section is not intended to require the replacement of individuals who are  
148 employed by a school district or charter school.

149 Section 7. Section **53B-31-406** is enacted to read:

150 **53B-31-406. Reporting -- Meeting.**

151 (1) The liaison shall annually report to the Native American Legislative Liaison

152 Committee during the five years of the pilot program regarding:

- 153 (a) what entities receive a grant under this part;
- 154 (b) the effectiveness of the expenditures of grant money; and
- 155 (c) recommendations, if any, for additional legislative action.

156 (2) The Native American Legislative Liaison Committee shall annually schedule at  
157 least one meeting at which education is discussed with selected stakeholders.

158 **Section 8. Appropriation.**

159 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
160 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money  
161 are appropriated from resources not otherwise appropriated, or reduced from amounts  
162 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
163 addition to any amounts previously appropriated for fiscal year 2016.

164	<u>To State Board of Education - Utah State Office of Education</u>	
165	<u>From Education Fund, one-time</u>	<u>\$20,000</u>
166	<u>Schedule of Programs:</u>	
167	<u>Teaching and Learning</u>	<u>\$20,000</u>

168 **Section 9. Appropriation.**

169 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
170 the fiscal year beginning July 1, 2016, and ending June 30, 2021, the following sums of money  
171 are appropriated from resources not otherwise appropriated, or reduced from amounts  
172 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
173 addition to any amounts previously appropriated for fiscal year 2017 through fiscal year 2021.

174	<u>To State Board of Education - Utah State Office of Education</u>	
175	<u>From Education Fund</u>	<u>\$2,000,000</u>
176	<u>Schedule of Programs:</u>	
177	<u>Pilot Teacher Retention Grant Program</u>	<u>\$1,500,000</u>
178	<u>Pilot Regional Service Center Title IV Program</u>	<u>\$500,000</u>

179 **Section 10. Effective date.**

180 If approved by two-thirds of all the members elected to each house, this bill takes effect  
181 upon approval by the governor, or the day following the constitutional time limit of Utah  
182 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

183 the date of veto override.

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**